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‘I’ll just Google that!’ Online searches and the post-separation family law information experience

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Abstract: We are living in the age of online information. Knowledge and information are increasingly accessed through the internet, and the catch-cry ‘I’ll just Google that!’ now has a firm place in the vernacular. Founded in 1998, Google.com has had unprecedented success in changing the way we look for and find online information. This article discusses results of qualitative research on how people experience the process of accessing family law information in a post-separation context. It discusses three important elements of this experience revealed in the data, which are analysed in the context of the impact and use of Google and other search engines as an information source. The article offers some insights about how best to make useful legal information available to non-lawyers.

Keywords: Access to the law, consumer advocacy, family law, legal services, public interest, rule of law.

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In the age of the search engine, the claim has been made that we are ‘outsourcing memory and knowledge to the internet’ and that this ‘is making us meta-ignorant’ because we are now ‘unaware of what we don’t know’.¹ Understanding how people access and use information is more important than ever if information providers are to achieve effective knowledge transfer to consumers. This study contributes to the currently small but growing body of scholarly research on the *legal information experience*. Scholarship in this emerging field focuses on the lived experiences of people who access legal information: how sources of information are located, engagement patterns with those information sources, and how

¹ William Poundstone, ‘Does Knowledge Matter in the Age of Google?’ *The Guardian* (online), 28 August 2016. See also William Poundstone, *Head in the Cloud: The Power of Knowledge in the Age of Google* (Oneworld, 2016).

legal information is understood and applied to individual situations. Information experience may be understood as a 'complex, multi-dimensional engagement with information in real-world contexts';² information experience 'integrates all information related-actions, thoughts, feelings and has social and cultural dimensions'.³

Legal information is now readily accessible to members of the public via the internet.⁴ A Google search for a legal topic will reveal a plethora of government and non-government legal sources, with links to statutes, cases, secondary legal materials, DIY kits, self-help groups and FAQs. Lawyers are taught legal information retrieval and analysis skills at law school. They know how to find authoritative and current legal resources that are relevant to solving a specific legal dilemma, and how to find reliable sources directly without mediation through a search engine. Non-lawyers seeking legal information will not necessarily have these skills or access to the appropriate resources. For citizens in a liberal western democracy with the rule of law at its core,⁵ it is critical that the legal information experience is effective. However, there is still relatively little known about how non-lawyers access and use legal information.⁶ This means that legal information providers have an inadequate evidence-base to inform the effective design and delivery of legal information to non-lawyers. The project reported in this paper had a simple objective: to understand the range of legal information experiences.

The existing body of work in the legal information experience has centred on the information needs of law students⁷ and lawyers.⁸ Two key Australian studies are Scott's work on how people access legal information via the internet,⁹ and Edwards and Fontana's review of the

² Christine Bruce et al (eds), *Information Experience: Approaches to Theory and Practice* (Emerald Group Publishing Limited, 2014) 4.

³ Ibid 34.

⁴ See, eg, Manuel Castells, *The Information Age: Economy, Society and Culture* (3 vols, Blackwell, 1996-1998).

⁵ See, eg, International Commission of Jurists, *The Rule of Law in a Free Society: Report of the International Congress of Jurists* (1959); Brian Z Tamanaha, 'The History and Elements of the Rule of Law' (2012) *Singapore Journal of Legal Studies* 232. We take a wide view of the rule of law: Lord Bingham, 'The Rule of Law' (2007) 66(1) *The Cambridge Law Journal* 67.

⁶ Sue Scott, 'How Do People Access and Use Legal Information on the Internet?' (2000) 25(1) *Alternative Law Journal* 24.

⁷ See, eg, Gillian Kerins, Ronan Madden and Crystal Fulton, 'Information Seeking and Students Studying for Professional Careers: The Cases of Engineering and Law Students in Ireland' (2004) 10 *Information Research* 208; Yolanda P Jones, 'Just the Facts, Ma'am?' *A Contextual Approach to the Legal Information Use Environment* (PhD Thesis, Information Science and Technology, Drexel University, 2008).

⁸ See, eg, Stephanie Davidson, 'Way Beyond Legal Research: Understanding the Research Habits of Legal Scholars' (2010) 102 *Law Library Journal* 561; Stephen Makri, *A Study of Lawyers' Information Behavior Leading to the Development of Two Methods for Evaluating Electronic Resources* (PhD Thesis, School of Informatics, University College London, 2008). We acknowledge, however, that there is a significant body of literature on the issue of legal information: see, eg, Rob White, 'Getting Streetwise about Legal Rights' (1987) 12(3) *Legal Service Bulletin* 90; JC Bekker, 'The Dissemination of Legal Information' (1991) 24 *De Jure* 302; Gordon Hardy, 'Public Legal Education and Access to Justice' (1997) 22 *International Legal Practitioner* 105; Richard Grimes, 'Evaluating Legal Literacy Programmes: Aims, Challenges, Models and a Call to Action' (2018) 2(1) *International Journal of Public Legal Education* 28.

⁹ Scott, above n 6.

legal information needs of older people.¹⁰ Our research extends this work by exploring the lived experiences of non-lawyer consumers of family law information in post-separation contexts.¹¹ In 2016, the Australian Bureau of Statistics reported '118,401 marriages registered and 46,604 divorces granted'.¹² This figure does not include the separation statistics of de facto relationships. Family law information is clearly an important legal need for significant numbers of Australians every year.

The article begins with a brief explanation of the project's design and methodology. We then consider the key issues arising in the project interview data about the role of internet searches in the family law information experience. Three central themes emerge from the data – information complexity, source preferences, and difficulties in applying information to one's own individual situations, meaning that the information accessed by 'Googling' does not necessarily help to inform legal choices.

Project design and methodology

This qualitative empirical research project was funded by an Australasian Institute of Judicial Administration (AIJA) research grant. The project team comprised interdisciplinary researchers from law and information science. The aim of the project was to explore the information experiences of people who had phoned the Federal government-funded Family Relationships Advice Line (FRAL) – a national telephone service operated by Relationships Australia to provide relationship and separation advice, information and referral, but not legal advice.¹³

Information experience analysis is now a distinct emerging domain of information science research, adopting a 'holistic approach to understanding peoples' engagement with information', taking 'into account the interrelations between people and their broader environments in a manner which considers people and their world as inseparable'.¹⁴

This qualitative, interpretive approach is established as methodologically robust, bringing a unique analytical perspective to the concept of legal information, and to an analysis of the legal information experience. In-depth interviews were used to appreciate participants'

¹⁰ Susan Edwards and Antonia Fontana, *Legal Information Needs of Older People* (Law and Justice Foundation of NSW, 2004).

¹¹ See also Rae Kaspiew et al, *Evaluation of the 2006 Family Law Reforms* (Australian Institute of Family Studies, 2009) Appendix C1, 10 and Dale Bagshaw et al, 'The Effect of Family Violence on Post-Separation Parenting Arrangements: The Experiences and Views of Children and Adults from Families Who Separated Post-1995 and Post-2006' (2011) 86 *Family Matters* 49, which explored the sources of information used by parties in a family law context.

¹² Australian Bureau of Statistics, 'Marriages and Divorces, Australia, 2016' <http://www.abs.gov.au/ausstats/abs@.nsf/mf/3310.0>.

¹³ Australian government, 'The Family Relationship Advice Line' <http://www.familyrelationships.gov.au/Services/FRAL/Pages/default.aspx>.

¹⁴ Removed for peer review.

perspectives and reveal the meaning of experiences from their viewpoint,¹⁵ and gain more complex personal narratives.

A sample of twenty¹⁶ interviews was used. While this sample size may appear small compared with quantitative research methods, it is a valid standard-to-large sample size for research of this nature, and is 'of sufficient size to gather suitably rich descriptions of people's varying conceptions about the phenomenon of interest'.¹⁷ Phenomenographical research methods do not seek to categorically prove theory, they seek to explore and enhance understandings of specific phenomena – for this reason the sample size reflects where a point of saturation in emerging themes is reached.¹⁸ The data was analysed using thematic analysis – an analytical method that identifies patterns or themes within a data set,¹⁹ providing insights in relation to the subject's 'relationship within the phenomenon being researched'.²⁰

The role of Google in the post-separation legal information experience

In this section, we present some of the project findings that are salient to the participants' experiences of finding and accessing legal information in relation to post-separation parenting arrangements, with a particular focus on participant experiences relating to the use of Google and other search engines. The data revealed three inter-related issues, namely: the complexity of online information sources; the participants' preferences for informal and personalised sources; and the difficulty of applying online information sources to the participants' individual situations.

Managing the complexity of information content and sources

Participants struggled to negotiate the complex legal information environment, including identifying and reconciling different sources of information. Although the digital era offers significant opportunities for people to access legal knowledge and information online, the ubiquity of online resources means that those who 'turn to Google' will find they need to process and manage large amounts of information. For example, using a search term such as 'my rights as a father' will return almost 30,000,000 results, predominately from the United States and the United Kingdom, with very little Australian or government-funded content. Without the skills to filter this information it can be confusing, overwhelming and complex. The dominance of Google as a search engine also means that the company's specific

¹⁵ Steinar Kvale and Svend Brinkmann, *InterViews: Learning the Craft of Qualitative Research Interviewing* (SAGE, 2nd ed, 2009).

¹⁶ The resulting data set comprised 35% women and 65% men. Ethical clearance for the project was provided by the QUT University Human Research Ethics Committee: approval number 1300000834.

¹⁷ Removed for peer review.

¹⁸ Gerlese S Åkerlind, 'Variation and Commonality in Phenomenographic Research Methods' (2012) 31(1) *Higher Education Research & Development* 115.

¹⁹ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) 3(2) *Qualitative Research in Psychology* 77.

²⁰ Robert Y Cavana, Brian L Delahaye and Uma Sekaran, *Applied Business Research: Qualitative and Quantitative Methods* (John Wiley & Sons, 2001) 69.

algorithms impact how information is presented – an important issue but one outside the main focus of this article.²¹

Several participants reflected on the challenge of obtaining a clear picture of their legal position when faced with conflicting or confusing sources. A number of participants used language depicting their search for information as a journey or quest, presenting obstacles that required significant effort to overcome. Almost all participants began with online sources, with a Google search a frequently-mentioned starting point. However, the resulting information often proved inconsistent or confusing, leading to a desire for clearer or more personalised outcomes.

Fran,²² for example, recounted: 'I went on the Family Law Court website ... it came up with a phone number so that's why I called them ... I really couldn't find what I was searching for. To be perfectly honest, I find those websites extremely difficult to navigate ... I find them really hard to work out'. Ingrid's initial encounter with online information left her feeling tired and overwhelmed: 'I think I did Google early on what was necessary ... I found a lot of it wasn't really clear'. Darius commented that he used a Google search but 'actually I have done so much homework, I couldn't decide which one is not useful and which one is useful – because so many information [sic], I'm currently kind of overwhelmed, you know? I have so many issues that I have to deal with, and I still couldn't figure out which information is helpful and which information is not.'

There was an overwhelming sense from participants that they were unable to enact clear strategies to make sense of the legal information they found through online searching. Participants immersed themselves in the information experience, looking for anything that might appear relevant, or lead to the next step to locate further information. As one participant, Tom, observed, 'when you're looking for stuff ... you're just jumping down rabbit holes looking for stuff, and popping out the other side going, "No, that's not what I was looking for".'

Some participants had a positive experience of accessing online materials in combination with other formal and informal sources to meet their overall information needs. Brian observed, for example, 'Google has been the best friend and I've Googled absolutely everything there is to do with separating families.' Anna noted her information source was 'mainly through the internet, so I've just been on Google and that's how I found out about the Family Service Centre'. Noel commented that he 'found more than enough on the internet ... I virtually had everything I really needed. In between the Family Care Centre, my solicitor, and the internet, I found all my answers really ... There's more than enough information out there'.

²¹ See further Alexander Halavais, *Search Engine Society* (John Wiley & Sons, 2017).

²² Note that all names used in this article are pseudonyms in order to protect the identities of our study participants and in compliance with our ethics approval.

Several participants relied on face-to-face or telephone information to supplement or bring clarity to online sources. For example, Noel reported that, in addition to using the internet, he 'went to [his] solicitor when this happened and we just had a good old chat'. According to Ethan, friends and acquaintances were an important source of information, enabling him to bypass the complexity of online material: 'Pretty much word of mouth from other people, asking people and all that sort of stuff, those that have been through this stuff before ... I just asked them ... they've done the research and I've just listened to them because they've obviously researched it and they've just passed it on to me'. However, these more personal interactions also gave rise to further confusion for some participants. For example, Bobby expressed frustration that 'I've been asking people and it's just been confusing and people are saying different things'.

Interestingly, participants indicated that formal legal advice was rarely experienced as the most important source of information. Despite its reliability and authoritative nature, it was simply one of a number of information sources evaluated by the participants as part of their legal information experience. This indicates that online searching is not only a frequent starting point for accessing legal information, but the resulting array of diverse sources represents a more general framework for the legal information experience. The information sources gained through online searches are considered alongside more traditional (and also some less formal) forms of legal information and advice, resulting in a complex information matrix that parties must interpret for their own purposes.

Google is therefore both a friend and a foe in the post-separation legal information experience. It ensures that information is readily obtainable, but the resulting data is not necessarily accessible in the sense of being manageable and understandable. This led participants to express clear and consistent preferences for more informal, personalised and easy to apply sources of information, as discussed in the following section.

Preferences for informal and personalised sources

The study participants expressed clear preferences for particular sources, informed more by issues of accessibility, familiarity or the trusted nature of the information than by the expertise or authority of the source. A recurring theme was a preference for personalised information over general sources, and for face-to-face or telephone communication to supplement online information. Participants generally found personalised sources of advice provided a level of clarity or reassurance in response to the confusing and overwhelming nature of online sources. Bobby expressed this desire directly: 'I haven't really understood a great deal of everything. And I guess that I sort of have to sit down with someone, face-to-face and sort of understand my rights ... you know, what I'm entitled to with money. So if someone just sat with me face-to-face, I think I could understand a lot more. But as I said before, I'm not really understanding a lot from the internet'.

Bobby then described the reassurance she felt when she received a telephone call from a Family Relationships Centre: 'I'm sort of really not understanding a lot of what I'm reading ... But the lady that I spoke to yesterday from the Family Centre, she was quite thorough

with what she was telling me, so I could sort of understand a little bit more as to what I was reading on the internet ... I was quite terribly relieved that I had someone that was going to call me back in a week or two and sort of guide me and advise me as to what my rights are'. Ethan also reported a strong desire for personal interaction, both to obtain more concrete information and for human contact: 'I just found a phone number and called ... I just knew I needed to call someone and I just wanted to find a phone number to be honest. I didn't really care about the information'.

The search for relatable and concrete information led some participants to rely significantly on the advice of friends, family and community leaders. Darius explained that 'I used Google search ... I talked to my friends ... he advised me to make some calls ... and advised me to seek information online and from government website... It's always nice to have somebody who you actually feel close to, to talk about all these issues.' Kerry similarly recounted relying on friends and family, commenting that 'they've been through it and there's no doubt, you take a great deal of information through them. ... [M]y brother has been through it as well many, many years ago and you know, you take notice of what they have to say.'

Online searching is therefore an important element of the legal information experience, but it does not fully satisfy the legal information needs of post-separation parties. Rather, a personalised supplement is preferred so that there is a human connection that can support making the information relatable and understandable. Participants commonly reported an iterative process of information searching and analysis, where online searching is supplemented by informal advice and discussions, which in turn leads them back to the internet, perhaps in a more focused way. These experiences show that although Google and other search engines are an important source of legal information for parties post-separation, they are not viewed as a substitute for more informal or personalised information. Indeed, in some ways, the nature of the online information environment reinforces the need for traditional information sources.

Difficulties with the application of information

The third key issue relates to the observation that participants consistently struggled to apply legal information to their individual circumstances. Here, a distinction is necessary between legal information and legal advice, but it is a difficult and unclear distinction especially in the online environment. Several participants commented on the depth and breadth of information available on the internet, but struggled to apply it to their own context and situation. This concern can be seen from the comments of Bobby and Ethan above. Brian similarly commented that the large volume of information was challenging to apply:

Look all of it, in terms of it ... every, every little bit would be helpful in some way, but the scope of the information available at the moment is not just an easy walk-up start, to say 'if you are a separating family, here are the things that you need to consider and here are the procedures that you need to follow, and here are the things that might be important if you have children'. It wasn't ... like, there's no prescribed format or something like that to follow.

Some participants sought formal legal advice in an attempt to understand how the law applies to their situation. In other cases, participants reported discounting or overriding legal advice based on what they viewed as more directly applicable or concrete advice from other sources. Steve reported becoming frustrated with formal legal advice and turning to informal advice from family members, which he viewed as more applicable to his circumstances: 'I, again, wasted a lot of time with this Legal Aid solicitor until I spoke to my cousin, who um had been in a similar situation and she, she basically advised me to not waste time, that it's ... that it is quite easy and acceptable to represent yourself'.

Several participants reported relying on information from friends or family that included substantive advice. For example, Vinnie reported initially consulting websites 'like the Centrelink website and the Child Support', but found they contained similar generic information, leading him to rely on more tailored informal advice from his social circle: 'I mean they're all linked pretty closely together so they had some pretty good articles on there. ... [B]ut I had advice from a friend of mine who is a mortgage broker to just go through and document that we want to share 50/50 custody of our son.'

The experience of these participants reinforces the conclusion that, while Google represents a critical component of the accessibility of information in the legal information experience, it is not of itself sufficient to satisfy the information needs of parties in post-separation contexts. These post-separation needs include legal advice, not just legal information. Parties prefer more informal and trusted sources, and online information often proves difficult to apply to their individual circumstances. Personalised information was viewed by parties as helping them understand their own individual situation, but needs to be timely and affordable. Formal legal advice does not necessarily meet the parties' needs, leading them to rely heavily on friends and family as a supplement to the generic and complex information on the internet – which may or may not meet unmet legal needs.

Conclusion

Living in an age of the internet brings with it particular informational challenges. As Wurman has observed, 'We are like a thirsty person who has been condemned to use a thimble to drink from a fire hydrant. The sheer volume of available information and the manner in which it is often delivered render much of it useless to us'.²³ While the availability of online legal information presents great opportunities for the rule of law to be maintained by providing citizens with legal information, this research project has shown that it undoubtedly also presents significant challenges and is no panacea.

A number of clear messages arise from this study for legal information providers such as government agencies, courts and mediation service providers. Information providers need to be conscious of the benefits that internet searches provide consumers of legal information, accessibility being the key factor. However, there is also a need to understand

²³ Richard Saul Wurman, *Information Anxiety 2* (Que, 2001) 15.

and check the complexity and diversity of the web of information that consumers are accessing and managing, including not only online sources and forums, but also friends and family, and popular media. Consumers of legal or dispute resolution services are likely to be well-informed in the sense of having access to a large amount of information from different sources, but may nonetheless be poorly apprised about how this applies to their situation, or the best strategy for them to adopt to achieve a desired outcome. They may also need assistance in reconciling incorrect or inapplicable pieces of information that may be dated or from another jurisdiction.

Legal information provision policy therefore needs to be informed by two principles in light of this picture. The first is that providing legal information on the internet is important, but it is not of itself sufficient. The second is that personalised supplements to online information are critically important both for engaging consumers of legal information and for the rule of law. Such personalised supplements should optimally be available through human sources who are relatable and can explain complex concepts in a way that supports understanding and takes account of the parties' circumstances. Artificial legal intelligence may be a way of meeting some of these needs of consumers, while containing costs.²⁴ However, the results of this study also sound a note of caution about the prospects of human providers of legal advice being replaced or supplanted by a wholesale reliance on technology; there is a particular need for providers to be wary of how their information presents in specific search engines.

Online information is a powerful tool that can empower users of the legal system. However, consumers nonetheless report consistent preferences for human contact in their information experience. This is partly to obtain tailored information, but also to meet the desire for a more grounded and focused informational experience compared to the relatively generic and impersonal setting of the internet (and Google searches in particular). Providers of legal information can harness online information as a way of connecting consumers with services that meet this need. The challenge is to provide sources of information that usefully inform non-lawyers.

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²⁴ For discussion of the possible applications of artificial intelligence in provision of legal services, see Tania Sourdin, 'Justice in the Age of Technology' (2017) 139 *Precedent* 4.

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